

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby amends Chapter 11, “Complaints, Investigations, Contested Case Hearings,” Iowa Administrative Code.

The Board seeks to clarify language regarding who is eligible to file an ethics complaint before the Board. The amendment removes confusing language and allows any licensed practitioner to file an ethics complaint, regardless of employment status.

Notice of Intended Action was published in the Iowa Administrative Bulletin on February 19, 2014, as **ARC 1344C**. A public hearing took place on March 12, 2014. No one attended the public hearing. However, the Board received one written comment from the Iowa State Education Agency, which stated that the proposed amendment would have the unintended effect of removing the ability of educational entities and recognized local or state professional organizations to file an ethics complaint before the Board.

The language published under Notice has been changed to address this comment. The reference to recognized educational entities and local or state professional organizations has been moved to a new paragraph “b,” and subsequent paragraphs have been relettered.

The amendments are subject to waiver pursuant to 282—Chapter 6.

The Board of Educational Examiners adopted this amendment on April 11, 2014.

After analysis and review of this rule making, no adverse impact on jobs has been found.

This amendment is intended to implement Iowa Code section 272.2(4).

This amendment will become effective June 18, 2014.

The following amendment is adopted.

Amend subrule 11.4(1) as follows:

11.4(1) *Who may initiate.* The following entities may initiate a complaint:

a. Licensed practitioners ~~employed by a school district or their educational entity or their recognized local or state professional organization.~~

b. Recognized educational entities or local or state professional organizations.

~~*b. c.*~~ Local boards of education.

~~*e. d.*~~ Parents or guardians of students involved in the alleged complaint.

~~*d. e.*~~ The executive director of the board of educational examiners if the following circumstances have been met:

(1) to (3) No change.

~~*e. f.*~~ The department of transportation if the licensee named in the complaint holds a behind-the-wheel instructor’s certification issued by the department and the complaint relates to an incident or incidents arising during the course of driver’s education instruction.

~~*f. g.*~~ An employee of the department of education who, while performing official duties, becomes aware of any alleged misconduct by an individual licensed under Iowa Code section 272.2.

[Filed 4/17/14, effective 6/18/14]

[Published 5/14/14]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 5/14/14.